

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM M. BYRD,

Plaintiff,

v.

AVENTIS PHARMACEUTICALS, INC. and
DEBRA EDMUNDS,

Defendants.

Civil Action No. 04-11032-DPW

JOINT STATUS REPORT

Pursuant to the Court's Scheduling Order dated July 8, 2004, the parties in the above-captioned matter hereby submit their Joint Status Report in connection with the scheduling/status conference to be held on April 12, 2005 at 2:30 P.M. The parties hereby submit that the current status of the case is as follows:

I. Discovery Proceedings

- A. The parties completed all fact discovery on November 30, 2004. No expert discovery was conducted by either party.
- B. No discovery motions are pending. However, as indicated below, Defendants will be filing a Motion For Sanctions and, in the event Defendants do, Plaintiff reserves the right to file a Motion for Sanctions against Defendants.

II. Settlement Discussions

- A. Plaintiff submitted a written settlement demand in accordance with Local Rule 16.1 in June 2004.
- B. Plaintiff's Version: After the close of discovery, Plaintiff informed Defendants that he would be willing to move significantly from the initial demand and encouraged Defendants to make a reasonable settlement offer. Plaintiff was informed that the Defendants do not settle these cases, but requested Plaintiff to reduce his demand and maybe Defendants would make an offer.

Defendants' Version: Defendants dispute Plaintiff's characterization of the settlement discussions set forth above. Defendants believed Plaintiff's demand made in June 2004 was too high. After the close of discovery and prior to filing

their motion for summary judgment, Defendants inquired of Plaintiff as to whether he would reduce his settlement demand in light of discovery. Plaintiff was not prepared to do so. Defendants never informed Plaintiff that "Defendants do not settle these cases" as is set forth by Plaintiff above.

III. Pending Or Contemplated Motions

- A. Defendants filed their Motion For Summary Judgment on all counts of the Complaint on March 18, 2005. On March 31, 2005, Plaintiff filed an assented to motion for an extension of time until April 8, 2005 to submit his opposition to Defendants' Motion For Summary Judgment. The Court allowed this motion on April 1, 2005 and Plaintiff's opposition to Defendants' Motion For Summary Judgment is now due on April 8, 2005. Defendants seek a hearing on their Motion For Summary Judgment.
- B. Defendants intend to file a Motion For Sanctions and, in the event Defendants do, Plaintiff reserves the right to file a Motion for Sanctions against Defendants. Defendants intend to seek a hearing on this motion.
- C. There are no additional motions pending or contemplated.

III. Proposed Dates For Pretrial Conferences And Trial

While the parties have not yet finalized witness lists, the parties estimate that trial of this matter will likely take two weeks. The parties are not able to agree regarding a date for trial. Plaintiff proposes a pre-trial conference to be scheduled for June 2005, and scheduling a trial for July 2005. Defendants propose that a pre-trial conference be scheduled for September 2005, with a view to scheduling trial in October 2005.

Respectfully submitted,

FOR PLAINTIFF

FOR DEFENDANTS

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Dated: April 5, 2005